

COMMITTEE AMENDMENT FORM

DATE: 6/29/04

COMMITTEE: PUBLIC SAFETY

PAGE NUMBER(S): 1

ORDINANCE I. D: 04-O-1157

SECTION(S): CAPTION

RESOLUTION:

PARAGRAPH(S):

AMENDMENT:

Caption- delete all language after \$6,000.00 and insert in lieu thereof "Said payment is to be charged to and paid from Fund, 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-Departmental) and for other purposes.

" CITY COUNCIL "

ATLANTA, GEORGIA

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04-O- 1157

AN AMENDED ORDINANCE

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF INGER D. FLOUNNORY DAVIS V. BRYAN F. ASHE, IN THE STATE COURT OF DOUGLAS COUNTY, GEORGIA, CIVIL ACTION FILE NO. 04SV00196, IN THE AMOUNT OF \$6,000.00; SAID PAYMENT IS TO BE CHARGED TO AND PAID FROM FUND, 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); TO WAIVE SECTION 2-783(h); AND FOR OTHER PURPOSES.

WHEREAS, on June 7, 2002, City of Atlanta Police Department employee Officer Bryan F. Ashe, while operating a City of Atlanta motor vehicle, was involved in a collision with the motor vehicle being operated by Inger D. Flounnory Davis; and

WHEREAS, as a result of the collision Inger D. Flounnory Davis suffered personal injury, pain, and suffering; and

WHEREAS, Ms. Davis has brought suit in the State Court of Douglas County seeking damages for personal injury, lost wages, medical expenses, and physical pain and suffering; and

WHEREAS, Ms. Davis has incurred approximately \$4,538.00 in medical expenses related to injuries resulting from the collision; and

WHEREAS, counsel for the parties have tentatively agreed to resolve all claims in this matter for a total of \$6,000.00, including attorney's fees, contingent upon the approval of the Council of the City of Atlanta and the Mayor; and

WHEREAS, by this settlement neither the City of Atlanta nor Bryan F. Ashe admit liability or wrongdoing; and

WHEREAS, the offer of settlement acceptable to Plaintiff is, in the opinion of the City Attorney, appropriate to settle all claims against Bryan F. Ashe and the City of Atlanta arising out of the case of Inger D. Flounnory Davis v. Bryan F. Ashe;

THE COUNCIL OF THE CITY OF ATLANTA, HEREBY ORDAINS as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Inger D. Flounnory Davis v. Bryan F. Ashe in the amount of Six Thousand Dollars and Zero Cents (\$6,000.00).

SECTION 2. Said payment is to be charged to and paid from Fund, 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non-Departmental). Payment shall be in the form of a check in the amount of \$6,000.00, payable to Inger D. Flounnory Davis and Jack O. Morse, attorney at law. Such payment will be in full consideration of the dismissal of all claims against Bryan F. Ashe, the City of Atlanta, and its current and former officers.

SECTION 3. To the extent that Section 2-783(h) of the Code of Ordinances of the City of Atlanta is in conflict herewith, that subsection is waived for this instance only to permit the payment of \$6,000.00 on behalf of Bryan F. Ashe.